

NOV 30 2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

TOISSANT D. BASSETT,

Petitioner,

V.

GENE JOHNSON, DIRECTOR,

Respondent.

Case No. 7:09CV00456

FINAL ORDER

By: Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 30th day of NOVEMBER, 2009.

John Connors

United States District Judge